

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Stuart Pound and Chelly Pound	)	
	)	
	)	Civil Action No.:
Plaintiffs,	)	
	)	
vs.	)	
	)	<b>COMPLAINT</b>
Wilcox Marketing, Inc.,	)	(Jury Trial Requested)
	)	
Defendant.	)	
_____	)	
	)	

**PARTIES JURISDICTION AND VENUE**

1. Plaintiff Stuart Pound is a citizen and resident of Lexington County, South Carolina.
2. Plaintiff Chelly Pound is the wife of Stuart Pound and is a citizen and resident of Lexington County, South Carolina.
3. Defendant Wilcox Marketing, Inc., upon information and belief, is a corporation organized under the laws of the State of North Carolina, whose principal place of business is in Wilkesboro, North Carolina, who maintains employees in South Carolina, does business in South Carolina, and derives substantial revenue therefrom.
4. Diversity of citizenship exists between Plaintiffs and the Defendants. The matter in controversy exceeds the sum of \$75,000.00. Jurisdiction of this Court is pursuant to 28 U.S.C. §1332.

5. Venue of this action is properly set in this Division in that a substantial part of the events or omissions giving rise to the claims set out herein occurred within this Division.

### **FACTS**

6. That on or about January 28, 2019, Stuart Pound was operating a motor vehicle traveling south on Highway 321 in Gaston, South Carolina, approaching the intersection with Woodtrail Drive.

7. At the time and place described above, Glenn Kendall Brown, an employee acting within the course and scope of his employment with Wilcox Marketing, Inc. was operating his motor vehicle east on Woodtrail Drive in Gaston, South Carolina. Brown disregarded a red traffic light, plowed through the intersection, and collided with Mr. Pound's vehicle.

8. As a result of this collision, Mr. Pound suffered injuries to his body including but not limited to injuries to his left shoulder, hips, low back, left elbow, and both legs. As a result of the physical trauma of the collision, Mr. Pound has incurred medical, hospital, and doctors bills and will suffer such damages in the future. Mr. Pound has suffered and will in the future suffer great physical pain, suffering, mental anguish, emotional distress, loss of enjoyment of life, disfigurement and impairment of health and bodily efficiency. Lastly, Mr. Pound has suffered and will in the future lost income.

9. As a result of the injuries and damages suffered by Stuart Pound, Chelly Pound lost the comfort, companionship, and consortium of her husband; the services provided by her husband, and other marital obligations.

### **CAUSE OF ACTION**

10. Defendant Wilcox Marketing, Inc. was negligent, careless, reckless, grossly negligent, willful and wanton at the time and place above mentioned in the following particulars:

- a. In failing to maintain the proper look out;
- b. In failing to maintain proper control of its vehicle;
- c. In failing to come to a full stop before entering the intersection;
- d. In failing to take evasive action to avoid the accident;
- e. In failing to yield the right of way;
- f. In failing to stop for a red light;
- g. In failing to exercise degree of care which a reasonable prudent person would have exercised under the same circumstances;
- h. In driving too fast for conditions;
- i. In colliding with the Plaintiff's vehicle;
- j. In failing to see approaching traffic which was there to be seen.

All of which combined and concurred as a direct and proximate cause of the injuries and damages suffered by the Plaintiffs herein.

WHEREFORE, the Plaintiffs pray for judgment against Wilcox Marketing Inc. in a sum sufficient to adequately compensate them for their actual damages, for such punitive damages as a jury may reasonably award, for the cost of this action, and for such other and further relief as this court may deem just and proper.

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June 3, 2020

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